

RESOLUTION 94-58

**ADOPTING THE "PARTIAL, FINAL RATE ORDER"
REGARDING MAXIMUM INITIAL PERMITTED RATES OFFERED BY TCI
FOR BASIC CABLE SERVICE AND ASSOCIATED EQUIPMENT
USING THE REVISED COMPETITIVE DIFFERENTIAL (Form 1200, et al.)**

WHEREAS, on February 2, 1994 the Common Council approved Ordinance 94-08 which set forth procedures allowing the City to regulate subscriber rates charged by any cable franchisee for the basic service tier and associated equipment; and

WHEREAS, on May 17, 1994, the City notified TCI by certified mail, pursuant to 47 C.F.R. 76.910 and section 3.02.320(a) of the Bloomington Municipal Code (BMC) that it had been certified to regulate basic cable rates and adopted the required ordinances to begin the rate regulation process; and

WHEREAS, in July of this year TCI filed the forms used to determine initial regulated rates under new FCC benchmark rules and in September TCI filed revised forms that kept the same rate for installation and equipment, but changed the rate for basic service; and.

WHEREAS, TCI's filings and its explanation of later revisions have been reviewed by the City's cable rate regulation consultant and found to be "reasonable" according to the rules of the FCC; and

WHEREAS, the City has determined that the basic service rates charged to commercial establishments are in excess of permitted rates calculated on FCC Form 1200 and TCI has challenged the City's authority to regulate commercial rates; and

WHEREAS, on November 21, 1994, the Telecommunications Council for the City of Bloomington adopted a "Partial, Final Order" and forwarded it to the Board of Public Works; and

WHEREAS, the "Partial, Final Order" says in part:

...the City, hereby, finds that TCI's rates for basic service and related equipment and installation as calculated on its revised FCC Form 1200 are "reasonable" for residential subscribers. However, the City will hold in abeyance its determination as to the reasonableness of rates charged to commercial subscribers until the FCC has ruled on TCI's appeal now pending before the Commission;

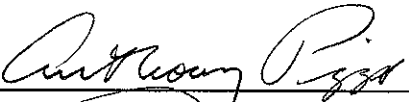
and

WHEREAS, on December 13, 1994 the Board of Public Works adopted the same order and, pursuant to BMC 3.02.340, has forwarded it to the Common Council for their action; and

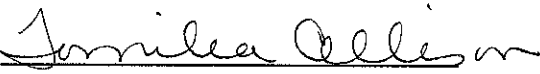
NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

The Common Council adopts the "Partial, Final Order" which is attached and made a part of this resolution.

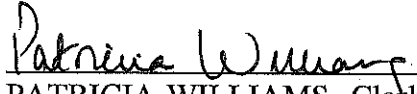
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 14 day of December, 1994.


JIM SHERMAN, President
Bloomington Common Council

SIGNED and APPROVED by me upon this 15th day of December, 1994.


TOMILEA ALLISON, Mayor
City of Bloomington

ATTEST:


PATRICIA WILLIAMS, Clerk
City of Bloomington

SYNOPSIS

This resolution adopts a "Partial, Final Rate Order" regarding the maximum rates that the City's cable operator, TCI, may charge for basic cable services and associated equipment. The Order is based upon revised rate determination forms submitted by TCI and leaves the matter of regulating commercial rates in abeyance until there is action by the FCC on an appeal filed by TCI.

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